

REMARKS

This Application has been carefully reviewed in light of the prosecution to date. This amendment responds to the Final Office Action mailed September 28, 2005, and the Advisory Action mailed November 17, 2005. The Examiner entered the amendments made in Applicants' October 28, 2005, Response to the Final Office Action. The Advisory Action stated that the Examiner entered the proposed amendments but that such amendments did not place the application in position for allowance. Furthermore, the Examiner did not find persuasive Applicants' arguments. At the time of the Final Office Action, Claims 1-9 were pending in this Application with Claims 1 and 9 as the independent claims. Claims 1-6 and 9 stand rejected by the Examiner with Claims 7 and 8 objected to as being dependent on rejected base claims. Applicants respectfully request reconsideration and favorable action in this case.

On the merits, the Office Action rejected Claims 1-4 and 9 under 35 U.S.C. § 102(b) as being anticipated by Chari *et al.* (U.S. Patent No. 4,428,046; hereinafter "Chari"). The Office Action also rejected Claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Chari. Applicants appreciate the indication of allowability for claims 7 and 8 and the Examiner's recommendation to amend the claims to reflect a difference between Applicants' claims and Chari.

Applicants have amended Claims 1 and 9. No new matter has been added.

Chari fails to teach, recite, or suggest a network that includes transferring data "in dependence on a pilot signal where the pilot signal is a signal of varying frequency," as recited by Applicants' Claims 1 and 9. Chari discloses a flag bit but such flag bit does not contain any discussion of either a pilot signal or a signal of varying frequency. Thus Applicants respectfully traverse the § 102(b) rejection of Claims 1 and 9 over Chari, because the reference fails to recite or suggest every limitation of Applicants' Claims 1 and 9:

Claims 2-8 depend from independent Claim 1 discussed above and are believed patentable for at least the same reasons. Applicants further believe the § 103 rejections of Claims 5 and 6 to be moot in light of the above remarks and request their withdrawal.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By 

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